



Response under 37 C.F.R. 1.312
 Expedited Procedure Requested
 Examining Group 1731
 Attorney Docket No. P21470

In re application of : Markus OECHSLE et al.

Confirmation No. 6146

Serial No. : 09/936,516

Group Art Unit : 1731

Filed : December 5, 2001

Examiner : M. HALPERN

For : DEVICE FOR DETERMINING THE CHARACTERISTICS OF A RUNNING MATERIAL

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COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

Sir:

Transmitted herewith is an Amendment under 37 C.F.R. 1.312 & Description of Substance of Interview in the above-captioned application.

___ Small Entity Status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a previously filed statement.

___ A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.

___ A Request for Extension of Time.

X No Additional Fee.

The fee has been calculated as shown below:

Claims After Amendment	No. Claims Previously Paid For	Present Extra	Small Entity		Other Than A Small Entity	
			Rate	Fee	Rate	Fee
Total Claims: 71	*71	0	x 9=	\$	x 18=	\$0.00
Indep. Claims: 3	**3	0	x 43	\$	x 86=	\$0.00
Multiple Dependent Claims Presented			+145=	\$	+290=	\$0.00
Extension Fees for Month				\$		\$0.00
Total:				\$	Total:	\$0.00

*If less than 20, write 20

**If less than 3, write 3

___ Please charge my Deposit Account No. 19-0089 in the amount of \$_____.

N/A A Check in the amount of \$_____ to cover the filing/extension fee is included.

X The U.S. Patent and Trademark Office is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 19-0089.

X Any additional filing fees required under 37 C.F.R. 1.16.

X Any patent application processing fees under 37 C.F.R. 1.17, including any required extension of time fees in any concurrent or future reply requiring a petition for extension of time for its timely submission (37 CFR 1.136)(a)(3).

45,294

Neil F. Greenblum
 Reg. No. 28,394

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Applicants : Markus OECHSLE et al.

Art Unit: 1731

Appln. No. : 09/936,516

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RUNNING MATERIAL

**AMENDMENT UNDER 37 C.F.R. 1.312 & DESCRIPTION OF
SUBSTANCE OF INTERVIEW**

Commissioner For Patents
PO Box 1450
Alexandria, Virginia 23313-1450

Sir:

Please enter the following amendment which has been prepared in accordance with 37 C.F.R. 1.121 as revised effective July 30, 2003.

Additionally, the following discussion is offered as to the nature of the telephone interview with examiner Mark Halpern. The undersigned contacted Examiner Halpern on August 15, 2003 to point out that the Examiner's rejection of two co-pending applications over each other, on provisional grounds of the judicially created obviousness type double patenting was not in compliance with MPEP guidelines. It was argued that the more appropriate approach was to allow one application and reject the other on the provisional grounds of double patenting. Examiner Halpern graciously agreed to reconsider his position and did in fact withdraw the rejection in the instant application.